

**SAN LORENZO  
UNIFIED SCHOOL DISTRICT  
BOARD POLICY**

**Program**

BP 6164.6 (a)

**SECTION 504: IDENTIFICATION, EVALUATION AND PLACEMENT OF STUDENTS**

The Board of Education recognizes the need to identify and evaluate students with disabilities in order to provide them with a free, appropriate public education. Students found eligible under Section 504 of the Rehabilitation Act of 1973 may require educational accommodations and services.

The Superintendent or designee shall establish screening and evaluation procedures to be used whenever there is reason to believe that a student has a disability that substantially limits learning or another major life activity.

A Section 504 Team, composed of knowledgeable professionals, shall meet to evaluate the student's eligibility under Section 504, and the student's parents or guardians shall be invited to participate. The evaluation may include, but is not limited to, classroom and playground observation, performance-based testing, academic assessment information, and data offered by the parents.

If the student is found to have a disability that qualifies him or her for accommodations under Section 504, the Section 504 Team members shall develop a written Section 504 plan for such student. Upon reviewing the nature of the disability and how it affects the student's education, the members shall determine what, if any, accommodations of educational services are needed in order to ensure that the student receives a free, appropriate public education. The student shall be educated with non-disabled students to the maximum extent appropriate to the student's individual needs.

The school site 504 Team shall provide the parents/guardians with a written copy of the Section 504 plan. If the Section 504 Team determines that the student is not eligible for services under Section 504 or that no accommodation of educational services is needed, the parents shall receive a record of the proceedings stating the basis for this decision. Parents shall also receive a copy of the procedural safeguards guaranteed under the Code of Federal Regulations, Title 34, Part 104.36.

Legal Reference:

UNITED STATES CODE, TITLE 20  
1232G, Family Educational Rights and Privacy Act of 1974  
1400, et seq., Individuals with Disabilities Education Act as amended 1997  
UNITED STATES CODE, TITLE 29  
701, et seq., Rehabilitation Act of 1973  
794 Rehabilitation Act of 1973, Section 504  
CODE OF FEDERAL REGULATIONS, TITLE 34  
104.1-104.61 Nondiscrimination on the basis of handicap  
104.1 Purpose to effectuate Section 504 of the Rehabilitation Act of 1973  
104.3 Definitions  
104.33 Free appropriate public education  
104.35 Evaluation and placement  
104.36 Procedural safeguards  
CASES  
Southeastern Community College v. Davis (1970) 442 U.S. 397

Former Policy 551 – Board Adopted 12/20/94  
Revision Board Adopted 3/2/04

*AG\Pol-BP 6164.6 Section 504 Identification, Evaluation and Placement of Students*

**SAN LORENZO  
UNIFIED SCHOOL DISTRICT  
ADMINISTRATIVE REGULATIONS**

**Program**

AR 6164.6 (a)

**SECTION 504: IDENTIFICATION, EVALUATION AND PLACEMENT OF STUDENTS**

**A. PURPOSE**

It is the intent of the San Lorenzo Unified School District (District) to locate, identify, evaluate, and provide a free, appropriate public education to each student with a disability within its jurisdiction regardless of the nature or severity of the disability. In furtherance of this intent, the District will provide educational accommodations that are designed to meet the needs of each disabled student as adequately as the needs of non-disabled students. In addition to providing a free, appropriate public education to students with disabilities, the District will not discriminate against students with a record of disability or those regarded as having a disability.

Students who, because of a Section 504 disability, need or are believed to need educational accommodations are addressed in this policy. Under Section 504, a student with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities, such as learning.

Students who are identified as individuals with exceptional needs under the criteria set forth in the Individuals with Disabilities Education Act (IDEA) are not addressed under this policy, as the needs of such students are provided for elsewhere under state and federal law, and the Special Education Local Plan Area procedures.

**B. DEFINITIONS AND ELIGIBILITY**

1. A student with a disability is one who:
  - a. Has a physical or mental impairment that substantially limits one or more major life activities, including learning;
  - b. Has a record of such an impairment; or
  - c. Is regarded as having such an impairment.

Only students qualifying under subdivision (a), i.e., those with an actual physical or mental impairment that substantially limits one or more major life activities, are entitled to a free, appropriate public education under Section 504.

2. Major life activities include functions such as learning, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, working and behavior.

C. LOCATION AND IDENTIFICATION PROCEDURES

1. The District shall annually undertake reasonable measures to locate and identify each student with a disability of school age residing within the District's jurisdiction who is not receiving a public education, and to notify those students and their parents of the right to a free and appropriate public education under Section 504.
2. Location and notification procedures may include personal contacts, posting of notices, newspaper advertisements, press releases, and communications with public and private community agencies.
3. When a student is identified who, because of a disability, needs or is believed to need educational accommodations, he or she should be referred to the School Site Section 504 Coordinator, following the procedures set forth below.

D. IDENTIFICATION AND REFERRAL PROCEDURES

1. Any student who, because of disability, needs or is believed to need educational accommodations in order to receive a free and appropriate public education, may be referred in writing, by a parent, teacher, other certificated school employee, or community agency to the school site principal/or designee, who serves as the School Site Section 504 Coordinator.
2. The school site principal, as School Site Section 504 Coordinator, will bring the referral to the school's Section 504 Team, which will be composed of persons knowledgeable about the student's individual needs, the student's school history, the meaning of evaluation data, and accommodations needed.

The School Site Section 504 Coordinator will monitor the composition of the 504 Team to ensure that qualified personnel participate.

3. The 504 Team will consider the referral and evaluate the student if it has reason to believe that the child, because of an actual disability, may need accommodations. The 504 Team's determination may include a review of the student's school records, including academic, social, and behavioral records, and the student's needs. The 504 Team will then make a determination as to whether a Section 504 evaluation is appropriate. If the 504 Team determines that additional and/or formal assessments are necessary, and following receipt of consent to assess from the student's parent/guardian, a student requiring evaluation will be referred to appropriate specialists.
4. If a request for evaluation is denied, the 504 Team will inform the parents or guardians of this decision in writing and of their procedural rights under Section 504.

## E. EVALUATION

The evaluation of qualified disabled students within the meaning of Section 504 and formulation of a plan for services will be carried out by the 504 Team according to the following procedures:

1. The 504 Team will evaluate the nature of the student's disability, if any, and the impact of the disability upon the student's education;. This evaluation will include consideration of any behaviors that interfere with the regular participation of a student who otherwise meets the criteria, such as age, for participation in the District's educational program and/or activities. The evaluation will comply with the requirements of 34 C.F.R. section 104.35 (a) and (b).
2. No final determination of whether the student will or will not be identified as a disabled student within the meaning of Section 504 will be made by the 504 Team without first inviting the parents/guardians of the student to participate in a meeting concerning such determination. Parents/guardians will receive reasonable prior written notice of all 504 Team meetings.
3. A final decision will be made by the 504 Team in writing, at which time the parents/guardians of the student shall be notified of the Section 504 procedural safeguards available to them, including the right to an impartial hearing.

## F. PLAN FOR SERVICE (Section 504 Service Plan)

1. For a student who has been identified as a qualified student with a disability within the meaning of Section 504, the 504 Team shall be responsible for determining what, if any, accommodations are necessary to ensure that the student receives a free, appropriate public education.
2. In making this determination, the 504 Team shall consider all available relevant information, drawing upon a variety of sources, which may include, but are not limited to, assessments conducted by the District's professional staff.
3. The parents/guardians shall be invited to participate in the 504 Team meeting where services for the student, if any, will be determined. Parents/guardians shall, upon request, be given an opportunity to examine in advance all relevant records.
4. If the 504 Team determines that the pupil has a disability within the meaning of Section 504, requiring an accommodation to his/her program, the 504 Team will develop a written plan describing the disability and any accommodations needed. The plan will specify how the accommodations and services will be provided, and by whom. A copy of the plan shall be maintained in the student's cumulative file.

The student's teacher and other school employees who provide services to the student shall be informed of the services necessary for the student, to the extent that these individuals need to be informed in order to provide the student an appropriate education.

5. In all cases, a student with a disability shall be placed in the regular educational environment of the District, unless the team determines that such a placement cannot be achieved satisfactorily, with the accommodations provided. The student with a disability shall be educated with non-disabled students to the maximum extent appropriate to the individual needs of the student.
6. The 504 Team may also determine that the student is not eligible for services under Section 504 or that no program accommodations are necessary for the student. If the 504 Team so determines, the record of the 504 Team meeting will state the basis for the Team's decision. The parents/guardians will be asked to sign the record/plan whether or not modifications are necessary.
7. The parents/guardians shall be notified in writing of the final decision concerning the services to be provided, if any, and of the Section 504 procedural safeguards, including the right to an impartial hearing.

G. REVIEW OF STUDENT PROGRESS

1. The 504 Team will annually review the progress of students with disabilities and the effectiveness of the student's plan as needed to determine whether the services are appropriate and that the needs of students with disabilities are being met as adequately as the needs of non-disabled students.
2. Prior to any subsequent significant change in the student's 504 plan, a reevaluation of the student's needs will be conducted. Parents/guardians will receive reasonable prior written notice of any meeting convened to propose a significant change in the student's 504 plan.

H. PROCEDURAL SAFEGUARDS

1. The parents/guardians of a qualified student with a disability shall be notified in writing of all District decisions concerning the identification, evaluation, or educational placement of their child.
2. The parents/guardians of a qualified student with a disability have the right to review relevant records regarding their student. Upon the parents/guardians' request, records may be reviewed at the school site or at the District Office. Copies of student records may be obtained pursuant to District policies.

If a parent/guardian disagrees with the identification, evaluation or placement of a student with disabilities under Section 504, he/she may initiate the following procedures. Parents are encouraged to utilize Levels One and Two, but they may proceed directly to Level Three if they so choose.

**LEVEL ONE:** In writing, request a meeting with the 504 Team in an attempt to resolve the disagreement. This meeting shall be held within a reasonable period of time after receiving the parents/guardians' request.

**LEVEL TWO:** If disagreement continues, request in writing a meeting with the District Section 504 Coordinator. This meeting shall be held within a reasonable period of time after receiving the parents/guardians' request.

At the request of either the District or the parents/guardians, and on mutual agreement of the parties, the parties may pursue dispute resolution through mediation. If the parties agree to mediation, a timeline will be set for resolution of the matter.

The cost of the mediation, if any, shall be paid for by the District.

**LEVEL THREE:** If the disagreement is not resolved, or upon initial request, a parent/guardian may request an impartial hearing. The steps involved in initiating and implementing a Section 504 impartial hearing are as follow:

- a) The parents/guardians shall have the right to an impartial hearing (Section 504 Due Process Hearing) with an opportunity for participation by the parents/ guardians and representation by counsel, as to District decisions concerning the identification, evaluation, or educational placement of the student. In the notice of any District decisions concerning identification, evaluation, or placement of a student, the parents/guardians will be advised of: information to include in the request for a hearing; the person to whom they shall make such request, as set forth below; the procedures for conduct of the hearing; and the fact that reimbursement of attorneys' fees, expert witness fees, and other costs is available only as authorized by law.
- b) A request in writing for a Section 504 Due Process Hearing must be filed in the office of the District Section 504 Coordinator.
- c) A request for a Section 504 Due Process Hearing must be in writing and received by the District within thirty (30) calendar days from the time the parents/guardians received written notice of the decision leading to the request for such hearing. This timeframe may be extended for good cause or by mutual agreement of the parties. This timeframe may also be renewed upon the parents/guardians' request for and participation in a 504 Team meeting. Upon receipt of such a request from the parents/guardians, the District may schedule a 504 Team meeting and make relevant personnel available within a reasonable time period. A parent or student making an oral request may be assisted by the District in making a written request.

A request for a Section 504 Due Process Hearing shall contain the following:

- 1) A statement requesting a hearing.
  - 2) The specific nature of the decision/s made by the District with which the parent/guardian disagrees.
  - 3) The specific relief the parent/guardian seeks.
  - 4) Any other information the parent/guardian believes will assist in understanding the request.
- d) Within a reasonable period of time following receipt of a written request for a hearing, the District Section 504 Coordinator will select an impartial hearing officer.
- e) A hearing officer selected by the District must satisfy the following requirements:
- 1) Be qualified to review District decisions relating to Section 504.
  - 2) Not be an employee of, or under contract with, the District or the SELPA of which the District is a member in any capacity other than that of a hearing officer.
  - 3) Not have any professional or personal involvement that would affect his or her impartiality or objectivity in the matter.
- f) Within sixty (60) days of receipt of the parent/guardian's request, the hearing shall be conducted and a written decision mailed to all parties. This timeframe may be extended by mutual agreement of the parties.
- g) A party to the hearing shall be afforded the following rights:
- 1) The right to be accompanied and advised by counsel and by individuals with special knowledge or training relating to the problems of students who are disabled within the meaning of Section 504.
  - 2) The right to present evidence, written and oral.
  - 3) The right to written findings of fact, conclusions of law, and a decision prepared by the hearing officer.
  - 4) The right to a written or electronic verbatim record of the hearing prepared at the expense of the individual requesting such record.



- 5) The right to prohibit the introduction of evidence at the hearing that has not been disclosed to the other party or parties at least five (5) calendar days prior to the hearing except for good cause shown.
- 6) Receipt of notice from the other party or parties, at least ten (10) calendar days prior to the hearing, that they will utilize the services of an attorney, except for good cause shown.
- h) The hearing officer shall render a decision pursuant to the legal standards set forth in 34 C.F.R., Part 104.
- i) Either party may seek review of the hearing officer's decision by timely filing with a court of competent jurisdiction.
- j) The cost of the hearing officer shall be borne by the District. Reimbursement of attorneys' fees, expert witnesses' fees, and other costs is available only as authorized by law.

#### I. SUSPENSION/EXPULSION OF SECTION 504 STUDENTS

Before implementing a suspension or expulsion that constitutes a significant change in the placement of a student with a disability, the 504 Team must conduct a manifestation determination of the student to determine whether the misconduct in question is caused by the student's disability and, if so, whether the student's current educational placement is appropriate.

A significant change in placement includes the exclusion of a child for an indefinite period, or the exclusion of a child for more than 10 (10) consecutive school days in a school year.

A series of suspensions each of which is ten (10) or fewer school days in duration, but that creates a pattern of exclusions, may also constitute a "significant change in placement."

##### 1. Manifestation Determination

The 504 Team must convene and determine whether the misconduct is caused by the student's disability. The student's parent or guardian will be given reasonable notice of the meeting. The 504 Team shall have available to it, evaluation information related to behavior, and the information must be recent enough to afford an understanding of the student's current behavior.

The 504 Team will determine whether a student's behavior is caused by the student's disability. If it is determined that the misconduct of the disabled student is caused by the disability, the team following the requirements of Section 504 for evaluation and placement, must determine whether the student's current educational placement is appropriate.

If it is determined that the misconduct is not caused by the student's disability, and if the student is determined to be appropriately placed, the student may be disciplined in the same manner as are similarly situated students who do not have disabilities.

2. Procedural Safeguards

When the placement of a student with disabilities is changed for disciplinary reasons, the student and his or parent or guardian are entitled to the procedural protections required by Section 504. These protections include appropriate notice to parents or guardians of an opportunity for their examination of records, an impartial hearing with the participation of parents or guardians, an opportunity for their representation by counsel and a review procedure. Therefore, if the parents/guardians disagree with the determination regarding the relationship of the behavior to the disability, or with the subsequent placement proposal in those cases where the behavior is determined to be caused by the disability, they may request an impartial hearing, pursuant to the guidelines set forth in this Administrative Regulation.

J. STAFF DEVELOPMENT

As part of the District's staff development program, staff will receive training on Section 504 law and professional support as it relates to serving the needs of disabled students.